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Message Text

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71
ACTION EA-14

INFO OCT-01 ISO-00 PER-05 L-03 OPR-02 HEW-08 DODE-00 AGR-20

USIA-15 ABF-01 FSE-00 RSC-01 DRC-01 /071 W
---------- 104378
R 292115Z APR 74
FM AMEMBASSY WELLINGTON
TO SECSTATE WASHDC 7988
INFO AMCONSUL AUCKLAND

UNCLAS WELLINGTON 1331

EO 11652: N/A
TAGS: APER, OGEN, NZ
SUBJ: LOCAL EMPLOYEE ACCIDENT COMPENSATION SCHEME

1. EFFECTIVE APRIL 1, 1974, ACCIDENT COMPENSATION ACT 1972 CAME INTO FORCE. FROM THAT DATE NO RIGHT OF ACTION LIES IN NEW ZEALAND COURTS FOR DAMAGES RESPECTING PERSONAL INJURY (OR DEATH RESULTING THEREFROM) ARISING FROM ACCIDENTS OCCURING IN NEW ZEALAND. IN PLACE ACTIONS FOR PERSONAL INJURY, THREE SCHEMES FOR COMPENSATING PERSONS INJURED BY ACCIDENT ARE ESTABLISHED BY THE ACT. BRIEF DESCRIPTIONS FOLLOW:

A) UNDER EARNERS' SCHEME ALL WAGE EARNERS ENTITLED COMPENSATION FOR PERSONAL INJURY ON RATE OF THEIR EARNINGS PRIOR ACCIDENT, WHETHER OR NOT ACCIDENT OCCURRED IN COURSE OF THEIR WORK.
UNDER MOTOR VEHICLE ACCIDENT SCHEME, COMPENSATION PROVIDED FOR THOSE SUFFERING MOTOR VEHICLE ACCIDENT INJURY. A PERSON THUS INJURED IS NOT HOWEVER DEPRIVED COMPENSATION CALCLUATED ACCORDANCE EARNERS' SCHEME IF HE IS ALSO AN EARNER.

C) UNDER SUPPLEMENTARY SCHEME, COMPENSATION PROVIDED FOR THOSE PEOPLE SUFFERING ACCIDENT INJURY IN CIRCUMSTANCES WHERE NEITHER EARNERS' SCHEME NOR MOTOR VEHICLE ACCIDENT INSURANCE APPLIES.
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2. LEGISLATION NOT BASED ON NATIONALITY BUT ON PRESENCE IN NEW ZEALAND OF PERSONS WHO, BY REASON OF ACCIDENT INJRY, ARE BROUGHT WITHIN SCOPE OF ONE OF THREE SCHEME. COVERAGE AVAILABLE 24 HOURS A DAY. EMBASSY FSL STAFF RECEIVE FULL COVERAGE UNDER EARNERS SCHEME AND ALSO COVERED UNDER MOTOR VEHICLE ACCIDENT SCHEME AND SUPPLEMENTARY SCHEME WHERE THESE ARE APPLICABLE. EMBASSY OFFICERS AS EMPLOYERS OF DOMESTIC SERVANTS ARE REQUIRED TO PAY LEVIES IN RESPECT OF THEIR DOMESTIC SERVANTS EARNINGS. THIS LEVY IS 60 CENTS PER DOLS 100 OF SERVANTS GROSS ANNUAL EARNINGS. ADDITIONALLY, MINISTRY OF FOREIGN AFFAIRS INFORMS EMBASSY IT ALSO EXPECTED PAY LEVIES BASED ON ANNUAL EARNINGS OF EMBASSY LOCAL STAFF IN SAME WAY AS OTHER EMPLOYERS. LEVY SUM CALCULATED AT RATE 25 CENTS PER DOLS 100 OF GROSS EARNINGS (MINIMUM PAYABLE UNDER ACT) WITH A MAXIMUM LEVY FOR ANY ONE EMPLOYEE'S EARNINGS OF DOLS 26.00. FISCAL IMPACT ON POST FUNDS APPROX DOLS 780 PER ANNUM.

3. WHILE EMBASSY SUPPORTS FAR REACHING SOCIAL BENEFITS EMBODIED IN ACT, IT BELIEVES DEPARTMENT APPROVAL REQUIRED BEFORE SUCH PAYMENT MADE. THEREFORE, EMBASSY REQUESTS AUTHORITY ENTER INTO SIMPLE AGREEMENT WITH GOVERNMENT OF NEW ZEALAND, WHEREBY PAYMENT CAN BE MADE. AGREEMENT WOULD EXPRESS VIEW THAT PAYMENT VOLUNTARY AND AS SUCH DOES NOT ABROGATE EMBASSY'S IMMUNITIES AND PRIVILEDGES PRESENTLY ENJOYED IN NEW ZEALAND. IF APPROVAL GRANTED REQUEST SUGGESTED LANGUAGE TO COVER THIS "WAIVER" OF IMMUNITY.
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